

**Informational Follow-up Items
Delta Stewardship Council
June 24-25, 2010**

The following is a list of questions and follow-up tasks requested by Council members during the June 24, 2010 Delta Stewardship Council meeting. This list does not include details about formal actions taken by the Council, which will be documented in the official meeting, summary.

Interim Executive Officer's Report

1. Provide Council with a quarterly contract expenses report.

DSC Response: A full report is included in the July meeting materials. (See Agenda item 4C; Quarterly list of Contracts/Grants).

2. Provide Council with a report that explains the continuing responsibilities from CALFED and what is new or more as a result of the formation of the Council.

DSC Response: A staff report is included in the July meeting materials. (See attachment 1)

3. Provide a definition of "Covered Actions" as outlined in the statute.

DSC Response: 85057.5. (a) "Covered action" means a plan, program, or project as defined pursuant to Section 21065 of the Public Resources Code that meets all of the following conditions:

(1) Will occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh.

(2) Will be carried out, approved, or funded by the state or a local public agency.

(3) Is covered by one or more provisions of the Delta Plan.

(4) Will have a significant impact on achievement of one or both of the coequal goals or the implementation of government-sponsored flood control programs to reduce risks to people, property, and state interests in the Delta.

(b) "Covered action" does not include any of the following:

(1) A regulatory action of a state agency.

(2) Routine maintenance and operation of the State Water Project or the federal Central Valley Project.

(3) Regional transportation plans prepared pursuant to Section 65080 of the Government Code.

(4) Any plan, program, project, or activity within the secondary zone of the Delta that the applicable metropolitan planning organization under Section 65080 of the Government Code has determined is consistent with either a sustainable communities strategy or an alternative planning strategy that the State Air Resources Board has determined would, if implemented, achieve the greenhouse gas emission reduction targets established by that board pursuant to subparagraph (A) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code. For purposes of this paragraph, "consistent with" means consistent with the use designation, density, building intensity, transportation plan, and applicable policies specified for the area in the sustainable communities strategy or the alternative planning strategy, as applicable, and any infrastructure necessary to support the plan, program, project, or activity.

(5) Routine maintenance and operation of any facility located, in whole or in part, in the Delta, that is owned or operated by a local public agency.

(6) Any plan, program, project, or activity that occurs, in whole or in part, in the Delta, if both of the following conditions are met:

(A) The plan, program, project, or activity is undertaken by a local public

agency that is located, in whole or in part, in the Delta.

(B) Either a notice of determination is filed, pursuant to Section 21152 of the Public Resources Code, for the plan, program, project, or activity by, or the plan, program, project, or activity is fully permitted by, September 30, 2009.

(7) (A) Any project within the secondary zone, as defined pursuant to Section 29731 of Public Resources Code as of January 1, 2009, for which a notice of approval or determination pursuant to Section 21152 of the Public Resources Code has been filed before the date on which the Delta Plan becomes effective.

(B) Any project for which a notice of approval or determination is filed on or after the date on which the final Bay Delta Conservation Plan becomes

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effective, and before the date on which the Delta Plan becomes effective, is not a covered action but shall be consistent with the Bay Delta Conservation Plan.

(C) Subparagraphs (A) and (B) do not apply to either of the following:

(i) Any project that is within a Restoration Opportunity Area as shown in Figure 3.1 of Chapter 3: Draft Conservation Strategy of the Bay Delta Conservation Plan, August 3, 2009, or as shown in a final Bay Delta Conservation Plan.

(ii) Any project that is within the alignment of a conveyance facility as shown in Figures 1 to 5, inclusive, of the Final Draft Initial Assessment of Dual Delta Water Conveyance Report, April 23, 2008, and in future revisions of this document by the department.

(c) Nothing in the application of this section shall be interpreted to authorize the abrogation of any vested right whether created by statute or by common law.

Lead Scientist's Report

- 1. Request links to the plenary talks from the joint 2010 meeting for the American Society of Limnology and Oceanography and North American Benthological Society.**

DSC Response: The Delta Science Program will provide the links to the plenary talks when they become available.

- 2. Request a link to the presentation on the impacts of contaminants on waterways.**

DSC Response: The Delta Science Program will provide the link to the plenary lecture by Emma Rossi-Marshall titled, "A Role for Aquatic Ecology in Addressing Pharmaceutical Compounds in Aquatic Ecosystems" when it becomes available.

- 3. Council would like clarification on who oversees allocation of time for the ISB.**

DSC Response: Please see the Interim Lead Scientist's report and its attachments, Delta Independent Science Board Operating Guidelines and Charge, as a follow-up to this request.

- 4. Council would like to see detailed rules regarding the ISB's tasks.**

DSC Response: Please see the Interim Lead Scientist's report and its attachments, Delta Independent Science Board Operating Guidelines and Charge, as a follow-up to this request.

- 5. Council would like to see the guidelines and the charge for the ISB at the next meeting.**

DSC Response: Please see the Interim Lead Scientist's report and its attachments, Delta Independent Science Board Operating Guidelines and Charge, as a follow-up to this request.

6. **Request that a document of procedures/policy be in place to prioritize the tasks of the ISB in order to keep its responsibilities. And request that the procedures include council rules and prioritization of time.**

DSC Response: Please see the Interim Lead Scientist's report and its attachments, Delta Independent Science Board Operating Guidelines and Charge, as a follow-up to this request.

7. **Request that the ISB's charge include a supporting statement underlining the fact that scientists on the ISB can make independent statement and judgments.**

DSC Response: Please see the Interim Lead Scientist's report and its attachments, Delta Independent Science Board Operating Guidelines and Charge, as a follow-up to this request.

8. **Request that the Delta Science Program and/or Cliff continue to search for international representatives for the ISB.**

DSC Response: The interim Lead Scientist, Dr. Cliff Dahm, and the Delta Science Program staff will make an ongoing effort to search for international representatives for the ISB.

9. **Request information on what the minimum time budgeted to spend on the ISB work is written into the contracts for ISB members.**

DSC Response: Please see the Interim Lead Scientist's report and its attachments, Delta Independent Science Board Operating Guidelines and Charge, as a follow-up to this request.

10. **Provide definition for "Best Available Science" – possible 1st task for the Independent Science Board.**

DSC Response: The Delta Science Program is in the process of refining the working definition for "best available science." The Delta Science Program has noted the Council's request to have the independent Science Board weigh in on the process of defining "best available science."

11. **Request that the Draft Interim Plan include a written definition for the best available science and that the same definition be written into the contracts for the ISB.**

DSC Response: The Delta Science Program has provided comments and a preliminary definition for "best available science" for the Draft Interim Plan. The Delta Science Program will continue to develop and refine a definition for "best available science" for the Interim Plan and is developing a process for evaluating use of "best available science" in information and projects brought before the Council. Because the definition for "best available science" requires further development and will likely evolve in the near term, the Delta ISB members' operating guidelines and charge will emphasize the members' use of expert judgment in defining and applying best available science, but not include a formal definition for best available science. Please see the Interim Lead Scientist's report and its attachment, Delta Independent Science Board Operating Guidelines and Charge, for more details on the responsibilities and expectations of the ISB.

12. During a discussion with Mark Rentz of the Association of California Water Agencies, Council asked him to provide examples of HCP's and NCCP's that concern fish.

ACWA Response:

#1. Green Diamond Timber Company (Formerly Simpson)

Green Diamond Timber Company HCP:

This multi-species agreement is for 50-year watershed management on more than 261,000 acres of commercial forest lands in the southwestern Puget Sound area of Washington State. It's the first in the nation to blend the Endangered Species and Clean Water acts. These lands have approximately 1,400 miles of streams and associated wetlands that provide habitats for ESA-listed salmon. The HCP was signed in October 2000. (Green Diamond was Simpson Timber Company when the HCP became effective.)

<http://www.nwr.noaa.gov/Salmon-Habitat/Habitat-Conservation-Plans/Green-Diamond/index.cfm>

Aquatic HCP Fact Sheet:

http://www.greendiamond.com/environment/AHCP_fact_sheet.pdf

#2. Fruit Growers Timber Company (HCP is a work in progress)

Timber Management:

Fruit Growers' timberlands are not just a valuable financial resource. They are the legacy for future generations. For this reason, FGS participates in programs and management strategies that will insure this legacy. These timberlands are certified under the SFI trademark as sustainable forests. The Hilt forest is managed under a multi-species Habitat Conservation Plan approved by the United States Fish and Wildlife Service and the National Marine Fisheries Service. From a practice of sustained yield forestry, to the protection of indigenous wildlife, to participation in a cooperative project to develop genetically superior seeds, FGS is committed to the protective and sustaining stewardship of these lands.

Highlights:

- Sustained yield forestry
- Federal HCP (habitat conservation plan) for the Northern Spotted Owl and Coho salmon
- Wildlife and natural resources protection
- Development of genetically superior seeds
- Annual planting program includes about 3,000 acres and 1,200,000 seedlings

<http://www.fruitgrowers.com/pgs/TimberManagement.php?cat=12>

#3. Humboldt Redwood Company (Pacific Lumber Co.)

HRC'S Proposed HCP:

HRC's current plan and MRC's proposed plan both provide for the following outcomes:

- Protect, enhance, and increase habitat for rare, threatened or endangered species covered in the plan.
- Mitigate the impact of land management on covered species.
- Maintain and improve biodiversity on our lands.
- Contribute to the recovery of threatened and endangered species.
- Attain "regulatory certainty" for endangered species management.

HRC's Habitat Conservation Plan was developed by the previous owner and completed in 1999. The plan provides for conservation measures for many endangered and threatened species (including spotted owls, marbled murrelets, several salmonid species, rare mammals,

amphibians, reptiles, and plants). Key components of [HRC's Habitat Conservation Plan](#) and [annual reports](#) are available on this website. <http://www.hrcllc.com/Key-Policies-HCP.aspx>

Interim Plan

1. **Include from DWR presentation on Prop 1E paragraph number 5 into the interim plan.**
DSC Response: Completed – see Appendix I, (2) (c) (8) of the 2nd Draft Interim Plan.